

PPM 481

REVIEW OF INELIGIBILITY DETERMINATION

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GENERAL REQUIREMENTS

481.01 REVIEW OF INELIGIBILITY DETERMINATION REQUIREMENT

(1) Except as provided in paragraph (2) of this section, the assigned Vocational Rehabilitation Counselor or other qualified professional employed by the Vocational Rehabilitation Program must review within 12 months and annually thereafter if requested by the individual (or, if applicable, the individual's representative) each determination that the individual is ineligible or no longer eligible for vocational rehabilitation services that has been based on a finding that the individual is incapable of achieving an employment outcome due to the significance of his or her disability.

(2) The review required in paragraph (1) of this section is not required and need not be conducted if:

- (A) the individual or the individual's representative has refused it;
 - (B) the individual is deceased, has moved out of state, cannot be located, or is otherwise unavailable for the review; or
 - (C) the individual's medical condition is rapidly progressive or terminal.
- (3) The review required in paragraph (1) of this section is different from and in addition to a review of any ineligibility determination made in accordance with the mediation and appeal provisions described in PPM chapter 320.

[REQUIRED PRACTICE. The initial review must be conducted unless waived for one of the reasons specified in paragraph (2) of this section. Subsequent reviews are required only if requested by the individual or the individual's representative. Each review conducted must, therefore, establish whether or not a subsequent review has been requested.]

481.02 PURPOSE OF THE REVIEW

The purpose for reviewing the determination of ineligibility is to assess whether the current functioning of the individual might be such that the individual can now benefit in terms of an employment outcome from the provision of vocational rehabilitation services, and warrant reapplication and reassessment of his or her eligibility for services.

481.03 INFORMATION USED AS THE BASIS FOR THE REVIEW

As necessary and appropriate to complete the review process, each review of ineligibility determination must be based on:

- (1) a review of existing information, including information available from the previously closed record of services;
- (2) additional information that can be provided by the individual and, if appropriate, by the family of the individual;
- (3) determinations made by qualified officials of other programs that serve individuals with disabilities, especially officials of the Social Security

Administration and education programs responsible for the public education of students with disabilities; and

- (4) the direct observations of the Vocational Rehabilitation Counselor.

[REQUIRED PRACTICE. Diagnostic and evaluation services cannot be purchased with program funds for the review of ineligibility (since the individual is not a current applicant or eligible program participant at the time of the review and the record of services will have been closed); hence, the review must be based on information secured or developed at no cost during the review process. If a review of the information obtained demonstrates that the individual may now be able to benefit in terms of an employment outcome from the provision of VR services and may now be eligible, he or she should be advised to apply for services, where any diagnostic and evaluation services required may be purchased, if necessary, under an assessment for determining eligibility and priority for services, as described in PPM chapter 420.]

481.04 NOTIFICATION REQUIREMENT

Each individual whose record of services is closed as ineligible or no longer eligible based on a finding that the individual is incapable of achieving an employment outcome must be:

- (1) notified, in writing supplemented in the language, alternative format, or other appropriate mode of communication of the individual's informed choice, regarding the availability of the review of ineligibility determination and the requirements of this chapter; and
- (2) provided with an opportunity to accept or refuse the review.

[REQUIRED PRACTICE. If the individual chooses to accept the review, a review date within 12 months of the date of closure must be scheduled.]

481.05 TIMELINESS GUIDELINE

- (1) The assigned Vocational Rehabilitation Counselor or other qualified professional employed by the Vocational Rehabilitation Program must contact the individual (or, as applicable, the individual's representative) in advance of the review date established in accordance with the requirements of section 481.01 of this chapter to schedule the review meeting.

(2) The review process itself must be completed within a period of time of not more than 30 calendar days and within 12 months of the date of closure.

CONDUCT OF THE REVIEW OF INELIGIBILITY DETERMINATION

481.06 CONDUCT OF THE REVIEW

The review of ineligibility must:

- (1) provide the individual (and, as applicable, the individual's representative) with an opportunity for meaningful participation in the review process; and
- (2) be of sufficient scope and duration to determine whether the original ineligibility determination continues to be valid, or a new application should be taken so that more complete diagnostics can be provided and a current eligibility determination made.

RECORD OF SERVICES DOCUMENTATION REQUIREMENTS

481.07 RECORD OF SERVICES CONTENT REQUIREMENTS

The record of services of the individual must include, as applicable to each individual, information:

- (1) demonstrating that the notification required in accordance with section 481.04 of this chapter was provided;
- (2) sufficient to assure that any required review was scheduled and conducted;
- (3) showing that any required review was scheduled and conducted in a timely manner, in accordance with section 481.05 of this chapter; and
- (4) describing the outcome of the review process.

481.08 INFORMATION TECHNOLOGY SYSTEM COMPLIANCE

All required information, data, and documents must be incorporated into and maintained in the record of services for the individual in a manner consistent with Indiana Rehabilitation Information System (IRIS) requirements.

[AUTHORITY: 34 CFR 361.43(e); 361.47.]

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